

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWIN VALENCIA,

Plaintiff,

v.

L. MACHADO, et al.,

Defendants.

No. 1:24-cv-00569-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE, GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME, AND
DIRECTING CLERK OF COURT TO SEND
COPY OF FIRST AMENDED COMPLAINT,
PAGES 1-40

(ECF Nos. 19, 20)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On September 26, 2024, the Court screened Plaintiff first amended complaint, found that Plaintiff stated a cognizable excessive force claim against Defendant Ortega, and granted Plaintiff the opportunity to amend the complaint or file a notice of intent to proceed on the excessive force claim only. (ECF No. 16.) On October 21, 2024, Plaintiff was granted an additional thirty days to respond to the Court's order. (ECF No. 18.) Plaintiff failed to file an amended complaint or otherwise respond to the Court's order within the allotted time frame. Accordingly, on December 2, 2024, the Court ordered Plaintiff to show cause why the action should not be dismissed. (ECF No. 19.) On this same date, Plaintiff filed a motion for an extension of time to file a second

1 amended complaint. (ECF No. 20.) Plaintiff also requests that the Court send a copy of the first
2 amended complaint, filed on June 24, 2024 (ECF No. 14).

3 On the basis of good cause, the Court will discharge the order to show cause and grant
4 Plaintiff an extension of time to file a second amended complaint. Although the Court generally
5 will not send free copies of case documents, the Court will make a one-time exception and direct
6 the Clerk of the Court to send Plaintiff a copy of the first amended complaint to assist Plaintiff in
7 preparing his second amended complaint.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. The Court's order to show cause issued on December 2, 2024 (ECF No. 19) is
10 DISCHARGED;
- 11 2. Plaintiff is granted thirty days from the date of service of this order to file a
12 second amended complaint
- 13 3. The Clerk of Court shall send Plaintiff a copy of the first amended complaint,
14 filed on June 24, 2024 (ECF No. 14), pages 1-40; and
- 15 4. If Plaintiff fails to comply with this order the action, the Court will recommend
16 the action be dismissed for failure to comply with a court order and failure to
17 prosecute.

18 IT IS SO ORDERED.

19 Dated: **December 3, 2024**



20 STANLEY A. BOONE
21 United States Magistrate Judge
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